PLAINTIFF'S EXHIBIT

UC-5268

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23 June 1976

Memorandum To: H. B. Rhodes, Co-Chairman, Ad Hoc Committee for Construction

From: G. G. Gabrielson, Jr., Chairman, Asbestos Regulation Task Force

Subject: Ad Hoc Committee Objectives

As a consequence of discussions at the last meeting of the Executive Commitee of AIA, it is my belief that the Ad Hoc Committee for Construction; of which you have been appointed Co-Chairman, should have the following objectives:

(1) Identify and define typical or representative asbestos dust exposure situations in construction (including both persons working with asbestos materials and others casually exposed to asbestos dust) and initiate the measurement and recording of TWA asbestos fiber exposures for all such situations. This task will require, of course, the development of data concerning the portion of the working day during which a typical or representative worker is exposed to asbestos fibers.

(2) Develop a recommended protocol for a study, by an outside, independent consulting firm, of the technological feasibility and economic impact of whatever regulation OSHA may propose for the control of occupational exposures to asbestos in construction. I attach my own initial outline of such a protocol as a point of departure.

(3) Recommend to the Task Force Chairman and to the Executive Committee a list of independent consulting firms qualified to undertake the study outlined in (2) above.

(4) Based upon the general form and approach of the regulation proposed Oct. 9, 1975 by OSHA for the regulation of occupational exposures to asbestos in manufacturing, prepare, section by section, the language of a construction industry regulation which AIA and cooperating companies and associations may wish to advocate in response to any construction industry regulation which OSHA may propose.

Guy G. Gabrielson, Jr.
Chairman, Asbestos Regulation Task Force

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Regulation of Exposure to Asbestos Fiber in Construction

PROTOCOL FOR STUDY BY CONSULTING FIRM

(1) List of asbestos containing materials used in construction.

(2) List of applications for materials defined in (1) above.

(3) Census of workers fabricating asbestos materials in construction, dividing the total into trade or skill categories where appropriate.

(4) Census of workers in construction casually exposed to airborne asbestos, dividing the total into trade or skill categories where appropriate.

(5) Distribution of numbers obtained in (3) and (4) above into defined periods of time employed in construction (i.e., what portion, during their lifetimes, will work in construction 0-5 years, 5-10 years, 10-15 year, etc.)

(6) Distribution of numbers obtained in (3) and (4) above into defined periods of average daily exposure to asbestos (i.e. what portion, during a normal work day, will be exposed to airborne asbestos 0-1 hour, 1-2 hours, 2-3 hours, etc.)

(7) Cost per exposed person of mandated medical surveillance and total annual cost for the construction industry (derive number of annual physicals from the proposed regulation and (3) and (4) above and multiply by the medical surveillance cost per person).

(8) Cost per exposed person of mandated industrial hygiene facilities or procedures (i.e. protective clothing, respirators, showers, change rooms, etc.) and total annual cost for the construction industry.

(9) Typical dust count data for each category in (3) and (4) above.

(10) Definition of engineering controls available for the different categories of tools and operations used in the fabrication and installation of asbestos materials in construction and dust counts which may be achieved.

(11) Potential availability of engineering controls defined in (10) above. (At least one power tool manufacturer has decided that the potential market is too small to develop, introduce and sell tools with standard dust control attachments.)

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(12) Feasibility (including economic feasibility) of engineering controls in construction.

(13) Data, if available, indicating transient nature of construction workforce.

(14) Feasibility of any proposed medical surveillance or recordkeeping program in light of transient character of workforce.

(15) Distribution of construction activity into categories by dollar magnitude of individual projects.

(16) Percentage increase in construction cost of each category defined in (15) above which would result from compliance with proposed regulation.

(17) Extent to which asbestos materials defined in (1) above would be displaced by non-asbestos materials as a consequence of implementation of proposed regulation.

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